

Senate Bill 336
February 10, 2009
Presented by Jim Kropp
Senate Fish & Game Committee

Mr. Chairman and committee members, for the record I am Jim Kropp, Chief of Law Enforcement of Montana Department of Fish, Wildlife & Parks (FWP).

I am here to offer FWP's comments on SB 336. FWP recognizes the issue that the sponsor is attempting to address. However, we oppose SB 336 because it is unnecessary and has the potential to create more problems than it will solve.

The bill is not necessary because it is already legal for a dog to accompany a hunter in the field regardless of the kind of hunting that is being done, as long as the dog is not utilized to pursue big game. Game wardens occasionally are asked about using a dog to track a wounded big game animal and inform hunters it is legal to locate game with dogs both during and after the season. As long as the game is not taken while being pursued by dogs, the activity is legal. We believe therefore that SB 336 adds an unnecessary law to the books.

This bill potentially sets up circumstances that we find problematic. For example, we are uncertain how to define "trained dog" under this bill. The leash requirement attempts to deal with a dog running free, but could set hunters up to turn their dog loose after encountering the impracticability of going through the woods with a dog tied to a 50' lead.

The bill also has the potential to encourage use of dogs for purposes that were not intended. The unlawful taking of game other than the wounded animal is a potential problem that in turn, creates problems for other hunters as well as for enforcement. It also may cause game, wounded or otherwise, to be run onto private lands where a given hunter does not have permission.

Finally, the night hunting privileges this bill proposes could easily contribute to situations where a hunter finds him or herself in even worse straits while pursuing a wounded animal, with no firearm in possession, at night, in grizzly country. It has been well documented that grizzly bears in particular often find game carcasses and wounded animals taken by hunters. FWP and hunters already experience bear/human encounters at big game kill sites annually each year.

In conclusion, FWP believes that existing law, and relying on the abilities most hunters have to take a good shot to begin with, to properly track wounded game using sound hunting abilities and ethics is preferable to adding more language to the statutes. SB 336 could be difficult to enforce, and potentially places our wardens and our constituents in compromising situations that are unnecessary.